

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PETRA CHRISTINA BETER, :

Plaintiff, : 1:24-cv-79-GHW-RFT

-against- :

ORDERDUANE BAUGHMAN, *et al.*, :

Defendants. :

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GREGORY H. WOODS, United States District Judge:

On March 13, 2024, Magistrate Judge Robyn Tarnofsky issued a Report and Recommendation (“R&R”) recommending that the Court deny Plaintiff’s motion to remand, provided that Defendant Baughman filed an amended notice of removal by March 20, 2024 that established diversity jurisdiction and the amount in controversy. Dkt. No. 22. In the R&R, Judge Tarnofsky rejected Plaintiff’s arguments that the forum-defendant and unanimity rules precluded removal and concluded that removal was proper, aside from the technical defects identified in the notice of removal. *See id.* On March 18, 2024, Mr. Baughman filed an amended notice of removal detailing the basis for diversity jurisdiction and the amount in controversy. Dkt. No. 23.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within fourteen days of receiving a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). The Court reviews for clear error those parts of the report and recommendation to which no party has timely objected. 28 U.S.C. § 636(b)(1)(A); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

No objection to the R&R was submitted within the fourteen-day window. The Court has

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reviewed the R&R for clear error and finds none. *See Braunstein v. Barber*, No. 06 Civ. 5978 (CS) (GAY), 2009 WL 1542707, at *1 (S.D.N.Y. June 2, 2009) (explaining that a “district court may adopt those portions of a report and recommendation to which no objections have been made, as long as no clear error is apparent from the face of the record.”). The Court, therefore, accepts and adopts the R&R in its entirety. For the reasons articulated in the R&R, Plaintiff’s motion to remand is denied.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 12.

SO ORDERED.

Dated: March 28, 2024



GREGORY H. WOODS
United States District Judge